



Receipt #5

Attorney Docket No. 71417/49138

**UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Kearney et al.

EXAMINER: Not Yet Assigned

SERIAL NO.: 09/961,128

GROUP: 1646

FILED: September 21, 2001

FOR: Endothelial Cell Mitogen Bioassay

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope (no. EL 931635887 US) addressed to the Assistant Commissioner of Patents and Trademarks, Box Missing Parts, Washington, D.C. 20231 on May 21, 2002.

By: *Elizabeth Anne Sweeny*  
Elizabeth Anne Sweeny

**RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS- FILING DATE GRANTED AND REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT**

Sir:

The following is in response to the Notice to Corrected Application Papers- Filing Date Granted (PTO-4197) mailed October 24, 2001 in the above referenced application.

Applicant petitions for an extension of time to provide for the possibility that such a petition is required.

Enclosed herewith for filing in the subject application are the following:

1. A copy of the Notice to File Corrected Application Papers-Filing Date Granted for the subject application.

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2. A properly signed Declaration in compliance with 37 CFR §1.63 with power of attorney, identifying the application by the above Application Number and date and executed by Marianne Kearney.
3. A properly signed Declaration in compliance with 37 CFR §§1.42 & 1.63 with power of attorney, identifying the application by the above Application Number and date and identifying the deceased named inventor and the legal representative/ heirs of the deceased and executed by Linda Isner (legal representative ) on behalf of deceased named inventor Jeffrey M. Isner.
4. Completion of application filing fees as calculated below:
  - A. Surcharge for late payment of filing fee and/or late filing of original declaration or oath (small entity) .....\$ 65.00
  - B. Extension of time (5 months) .....\$ 980.00
  - Total ..... \$1,045.00
5. Verified Statement (Declaration) Claiming Small Entity Status (37 CFR 1.9(f) and 1.27(d))- Nonprofit Organization executed by John R. Fitzgerald, Vice President of Finance, of St. Elizabeth's Medical Center of Boston, Inc.
6. Substitute drawings (Figures 1-7; 9 pages) as requested in the Notice to File Corrected Application Papers.
7. Copy of Filing Receipt with Charges Marked in Red. The application as filed included 17 (seventeen)- not 12 (twelve) claims. Applicants respectfully request a corrected filing receipt for the above-referenced patent application.

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RESPONSE TO MISSING PARTS NOTICE  
Page 3

Applicants also request a change of attorney mailing address to P.O. Box 9169,  
Boston, MA 02209.

**Enclosed herewith is a check for \$1,045.00.** If, however, Applicants are  
incorrect then the Commissioner is authorized to change the deposit account as more  
particularly provided below. Applicants also respectfully request a corrected official filing  
to reflect any corrections resulting from the within Response and/or the enclosed  
declaration.

Applicants believe that additional fees are not required, however, if for any reason  
a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you  
are hereby authorized and requested to charge Deposit Account No. **04-1105**. In  
particular, the Commissioner is hereby authorized to charge any deficiencies in the  
following fees: filing fees (37 C.F.R. §1.16(a), (f) or (g)); fees associated with the  
presentation of extra claims (37 C.F.R. §1.16(b), (c) and (d)); surcharge for filing the basic  
filing fee and/or declaration on a date later than the filing date of the application (37 -  
C.F.R. §1.16(e)); extension fees pursuant to § 1.136(a) (37 C.F.R. §1.17(a)(1)-(5)); and  
application processing fees (37 C.F.R. §1.17).

Respectfully submitted,

**EDWARDS & ANGELL**  
DIKE, BRONSTEIN, ROBERTS  
& CUSHMAN  
*Intellectual Property Practice Group*

Date: May 21, 2001

By:

Kathryn A. Piffat, Ph.D.  
Kathryn A. Piffat, Ph.D. (Reg. No. 34,901)  
PO BOX 9169  
Boston, MA 02209  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

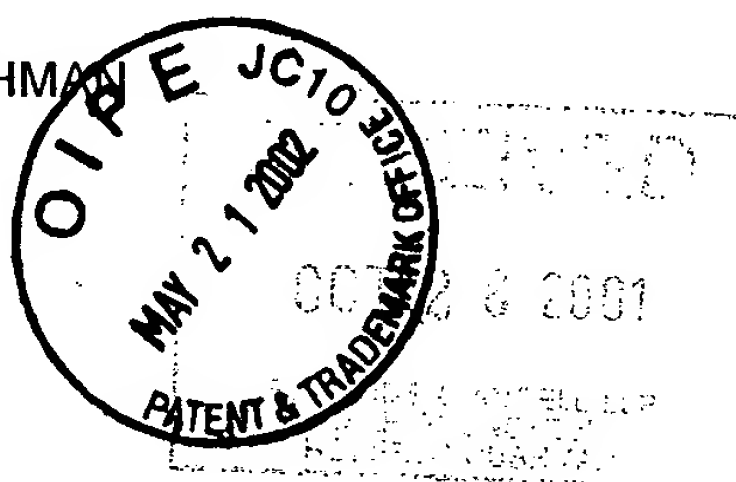
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WASHINGTON, D.C. 20231  
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| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO  | DRAWINGS | TOT CLAIMS       | IND CLAIMS |
|--------------------|-------------|--------------|---------------|------------------|----------|------------------|------------|
| 09/961,128         | 09/21/2001  | 1646         | 355           | 49138<br>(71417) | 7        | 12 <sup>17</sup> | 2          |

CONFIRMATION NO. 4197

## FILING RECEIPT

EDWARDS & ANGELL, LLP  
DIKE, BRONSTEIN, ROBERTS & CUSHMAN  
Intellectual Property Practice Group  
~~101 Federal Street~~ P.O. Box 9169  
Boston, MA ~~02110~~ 02209



\*OC000000006961143\*

Date Mailed: 10/24/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

Marianne Kearney, Residence Not Provided;  
Jeffrey M. Isner, Residence Not Provided;

## Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/236,767 09/29/2000

## Foreign Applications

If Required, Foreign Filing License Granted 10/23/2001

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Endothelial cell mitogen bioassay

## Preliminary Class

J.D.S.

Edwards & Angell LLP  
Dike, Bronstein, Roberts & Cushman  
101 Federal St. Boston, MA 02110  
Date Rec'd 10/26/01  
Docketed For Dec 21, 2001  
By KSP  
Approved [Signature] 10/30/01

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**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



## UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/961,128         | 09/21/2001          | Marianne Kearney      | 49138 (71417)          |

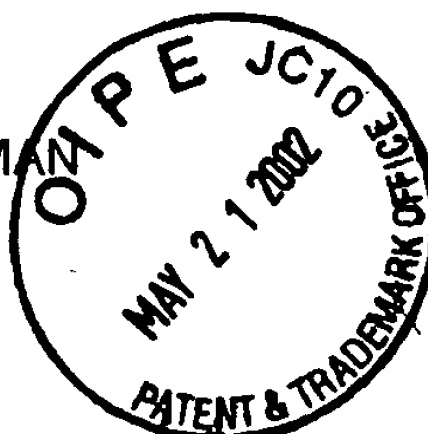
CONFIRMATION NO. 4197

## FORMALITIES LETTER



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EDWARDS & ANGELL, LLP  
DIKE, BRONSTEIN, ROBERTS & CUSHMAN  
Intellectual Property Practice Group  
101 Federal Street  
Boston, MA 02110



Date Mailed: 10/24/2001

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

*Filing Date Granted*

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1));

*A copy of this notice MUST be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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